SPECIAL DOUBLE ISSUE: THE PERSECUTION OF GERSHON LEGMAN $5.00

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Our Little Secrets

GANDHI OR HITLER?

Norman Finkelstein tells us that recently he was visiting his German publisher who also handles Tariq Ali. Tariq's historical novels are wildly popular in Germany. Fans muster from near and far to touch the hem of his garment. The publisher invited local notables to a lunch whose finale was a talk by Tariq. At one point, reviewing the great issues of peace and war, Tariq imparted the news that in 1938 the Nobel Committee had been bitterly divided on whether to give the peace prize to Gandhi or Hitler. The warring factions couldn't agree, and in the end they chose the path of compromise and gave the prize to the Nansen International Office for Refugees instead.

After the lunch Norman told Tariq that he was pretty well informed on the subject of A. Hitler but had never heard he had been in line for the Peace Prize. What was the source? Tariq said he'd been waiting for his plane at Heathrow, had gone to the Gents and the fellow in the next stall had said, "You're Tariq Ali, aren't you?" Tariq owned up and the man said he'd been studying the history of the Nobel Committee and thought Tariq would like to know how close Hitler had come to being a prince of peace. Then he dashed off, so Tariq can only cite his source as a pisser.

Of course you can see the way the pro-Hitler faction was thinking. Munich… "peace in our time…" and so on. If they'd put up a Hitler-Neville Chamberlain joint ticket for the prize it would have been smooth sailing.

(**OLS** *continued on page 2*)

Reeling Democrats

We're now in that period following stinging Democratic defeat when comes the traditional haggling session over "the soul of the Democratic Party", a fugitive essence usually linked to the initials FDR. Journals like The Nation will sag under the weight of appeals for the Party to return to its roots, rouse its core constituencies, promote its central values, hunker down, reach out.

Then, down the road a few months, will come a New South, or New North candidate humming an equally familiar shanty: the old Roosevelt coalition is dead. A Democratic Party focussed on "special interests" (i.e. blacks, labor, NOW) and with its flag nailed to an antiwar platform will be permanently exiled from the mainstream, and from any rich trove of campaign cash.

And so on. You know the tune, you know the words. Once Democratic house leader Dick Gephardt had fallen on his sword, the focus was on a credible successor, tasked with raising the Party from the dead. Was it to be Nancy Pelosi, fragrant with West Coast cash, also with the credentials of San Francisco liberalism. Republicans said they could scarcely wait to feature photographs of Pelosi campaigning with leather-clad gays from the Castro.

Her defenders said far better Pelosi than some conservative Democrat from the South furthering the widespread impression, rooted in reality, that the Democratic Party is now a pro-choice adjunct of the Republican National Committee.

Our view: Pelosi will prove a disaster. She's part of the leadership that has been running the party, adept at raising millions from Hollywood, anchored to the belief that big contributions will buy the party success at the polls. The same leadership disdained any effort to organize around issues. Result, the swing voters either stayed at home or voted Republican.

And yes, across the country a San Francisco liberal Democrat would be an easy target. The answer is not of course some Republican look-alike, a House version of Joe Lieberman, but someone who could excite precisely those for whom the Democratic Party has become a turn-off.

Who are these people? We're talking here about mostly working class white voters who are rightly suspicious of an intrusive federal government. For them the essential Pelosi platform, abortion and gun control, lacks appeal. On the other hand, they're suspicious of corporate power, of big money, banks, insurance companies and of Ashcroft's crackdown on civil liberties. They may be pro-gun but they're not pro-cop.

Who would appeal to them? The old Texas Democratic populists, like Wright Patman or Henry Gonzalez. These days it would be someone like Dennis Kucinich of Cleveland. But of course Kucinich is anathema to the Democratic Party liberals because of his lifelong opposition to abortion. They'll never accept a libertarian populist of a sort that could make mincemeat of fatcat Republicans and their Christian cohorts.

Secluding themselves forever from this only promising option the Democrats as we see it will always seesaw between the candidates of the Democratic Leadership Council, or of the embalmed Kennedy liberalism that took just as much of trouncing on November 5 as the relicts of Clintonism.

The results of the last election confirm something we said at the time. Nader's run in 2000 did Democrats a huge favor. He generated positive political electricity that sent juice into the lifeless body of the Democratic Party. This time around Nader wasn't a big presence and the Democrats suffered in consequence. There were no jumper cables, nothing to give them the needed charge. They'd better pray for a strong radical, hopefully of the sort sketched in above, to send a little light into their tomb. CP

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Our Little Secrets

And since you asked, the Peace Prize was suspended in 1939, started up again in 1944 and awarded to the International Committee of the Red Cross. The prize is given out in Swedish crowns. In 1938 it was worth 155,007 crowns, 10 million crowns today, which is a cool $1 million.

Left Profile

After reading our Green and Grounded item in the last newsletter, CounterPuncher Mike Friedman sends us this note:

"The article on airport harassment of Green Party members made me think... perhaps post-9/11 airport harassment of activists is more pervasive than we realize.

"Last May, I made a trip to the south to collect specimens for my Ph.D. research in biology. When I got to the check-in counter at La Guardia airport, the ticket agent pulled me up on her computer and, in an aside to a security agent, said (loudly enough for me to hear), 'this one has a profile'. The agent escorted me to an area where they thoroughly tore apart my baggage. I asked the agent why they saw fit to subject me to this extra search, and he replied that I was 'randomly chosen'.

"As a random sample, I was surprised that the only other folks being searched in that area were Muslims, and that one of the security people doing the searching asked me if I were a Muslim myself. It might have gone worse for me, if I hadn't had official documentation regarding my collecting trip from the Museum of Natural History. As it is, I'm more than curious about what these folks have on record regarding my political activism. I did a series of Freedom of Information Act requests in the late 1980s, which drew a blank, except for a single N.Y. FBI letter stating that they couldn't release my file because it would jeopardize life or national security. I haven't been particularly active for the past few years, though, except recently. Maybe we should try to get everyone who has experienced these problems together with CCR or the ACLU and file a class action suit..."

Any other CounterPunchers been experiencing extra scrutiny or hassles at airports lately?

Editors
Alexander Cockburn
Jeffrey St. Clair

Business
Becky Grant (Manager)
Anna Amezcua

Design
Deborah Thomas

Counselor
Ben Sonnenberg

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CounterPunch
PO Box 228
Petrolia, CA 95558
1-800-840-3683 (phone)
counterpunch@counterpunch.org
www.counterpunch.org

Earn While You Learn
By William Johnson

Chris Whittle, CEO of Edison Schools, is a man with problems. His company, once deemed a rising star in the education business, has fallen on tough times. Earlier this year, the SEC found that Edison had overstated its income, a revelation that came to light as Edison's share price plunged more than 85 per cent in just a matter of weeks. Edison's shares have dropped 99 per cent this year.

Falling share prices have been accompanied by the news that Edison is not living up to its obligations, particularly in the Philadelphia area, where Edison is managing 20 public schools.

These schools report that many basic supplies, such as textbooks, are not being distributed to their students. Nancy Van Meter of the American Federation of Teachers says that Philly's middle schools have been particularly hard-hit. When Edison took over, they cut staff salaries by removing non-teaching assistants from some of their schools. The loss of these adult supervisors has led to what Van Meter describes as "a series of incidents ranging from assaults on students, both verbal and physical, to assaults on teachers… the students are running those schools".

Besides cutting staff, and despite the fact that Edison's schools receive approximately $25,000 more per classroom than Philadelphia's district-run schools, Edison has resorted to selling school equipment(computers, textbooks, musical instruments) for cash. But such fire sales won't solve the financial problems of a company that has lost upwards of $300 million since it was founded in 1992. So Chris Whittle has a new idea, one that would not only save money, but provide students with invaluable, hands-on preparation for entry into the working world.

Child labor! Yes, according to Whittle, if each student in a school of 600 performed administrative work for one hour a day, they could replace 75 salaried adult administrators. And though school board officials have been loath even to discuss the plan, Whittle claims he can have this new labor-force ready for action by 2004. Whittle was once hailed as a man on capitalism's cutting edge, and so he is, proposing coerced child labor as a cost-cutting solution that would be good for schools and their students; this CEO is in charge of public schools all over this country.

Lynching Then and Now
By Peter Rachleff

200 scholars and anti-racism activists got together at Emory University in early October to view the powerful exhibit of photographs of lynchings on display at the Martin Luther King, Jr. Historic Site in Atlanta and to discuss the role of violence in racial politics in the United States. More than 130,000 people have viewed the exhibit since it went up in May, after tens of thousands had seen it in New York City in 1999-2000.

For three days we listened to papers which suggested ways to look at the photographs and other visual evidence, detailed more than twenty specific incidents, analyzed the roles of government authorities in tolerating, if not sponsoring lynchings, evaluated the effectiveness of African American leadership in the struggle to stop lynching, and assessed forms of African American resistance, including armed self-defense, civil disobedience, electoral politics, law suits, and migration out of the South. An impressive array of papers considered the use of drama, music, poetry, fiction, sculpture, and

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visual art in activists' and artists' efforts to influence and educate public opinion.

Two of the most interesting areas of argument were: (1) How to define lynching — whether it should only be applied to "mob" action outside the parameters of the legal system or whether capital punishment, police brutality, and the like should be considered as forms of lynching too (2) How central was violence to the perpetuation of the American patterns of race relations? In both of these discussions, most people gravitated to the term "domestic terrorism" as a useful characterization of the problem.

Any illusion that one can have merely an "academic" conference on racial violence was dispelled when a presenter from Springfield, Missouri, informed a session that the very day before the conference opened a young Kenyan man had been found hanging from a radio tower in her city. This tower was located only three blocks from the scene of a multiple lynching in 1906. While it was hard enough to believe our ears, we were suddenly confronted with the visual evidence of digitized pictures of the young man's body. The very air seemed to be sucked out of the room. Local authorities had left his body hanging for more than twelve hours, and they had already ruled his death a suicide, over the objections of his mother, who had urged our presenter to bring this information to the conference.

And then, the coup-de-grace — Springfield, Missouri, is not only a center of racist skinhead activism but also the hometown of Attorney General John Ashcroft! Conference participants drafted a letter to Ashcroft, which reads in part:

"The U.S. government has recently made an enormous commitment to the investigation of international terrorism; nonetheless, numerous instances of domestic terrorism continue to go ignored and uninvestigated. This conference and this young man's death have compelled us to demand that our government examine the practice of domestic terrorism.

"The death of Mr. Leonard Gakinya powerfully evokes a centuries-long history of racially-motivated murders of African Americans in the U.S. But, clearly, we cannot confine our moral outrage and witness to the past. As calls for war escalate daily, and the nation's attention is focussed on international terrorism, we must not forget the racial terrorism that continues to plague our country... We call upon you, Attorney General Ashcroft, to exercise personal supervision of this investigation and to take as vigorous action against racially motivated domestic terrorism as you have in the pursuit and prosecution of international terrorists. Given the long, shameful history of underinvestigated and unprosecuted crimes against African Americans and other oppressed groups, it is imperative that justice be pursued today."

This letter was mailed on October 5. Ashcroft has yet to reply.

Peter is professor of history at Macalester College, St. Paul, Minnesota.

SULLYING SAVIO'S MEMORY

Mario Savio goes down in history as the great orator of the Free Speech Movement in Berkeley in the late 1960s, a galvanizing figure in the antiwar movement at that time. Mario died a few years ago and last February we happened to meet Lynn Hollander, Savio's wife. The widow Savio told us she was organizing an annual event in memory of Savio, imparting the information that the guest lecturer was to be Christopher Hitchens. Startled, we asked her whether the best way to commemorate Mario the Antiwar Organizer was to whistle up the deliriously pro-war Hitchens.

We asked Savio's widow whether the best way to commemorate Mario the Antiwar Organizer was to whistle up the deliriously pro-war Hitchens.

Ms Hollander seemed surprised at our surprise. The months passed. Hitchens redoubled his war cries and yes, on November 21, he was scheduled by Ms Hollander and the malodorous Tides Foundation to lecture in Savio's memory on the UC campus in Berkeley. Also present on the podium will be Adam Hochschild. We wrote a note to Ms Hollander, once again deploring her choice, and she responded by defending the decision to water Savio's memory with Hitchens's "controversial views". To us it's like getting an impenitent FBI veteran of the Hoover era to keynote an evening honoring Martin Luther King. Poor Mario.

THE CASE OF THE POMPOUS PROFESSOR

And talking of Berkeley, this just in from CounterPuncher Herm Boyd about the insufferable Todd Gitlin.

I am not surprised by Gitlin's comments about the anti-war movement. In 1990 I participated in a broad-based movement to demand preservation of affirmative action, greater faculty diversity at UC Berkeley amongst other things. It culminated in a two-day student strike. We asked professors to cancel classes or to at least hold them off campus to support us. We ran around securing spaces at various cafes, student co-ops, dorms, and any other spaces available. A majority of professors supported us by following our request. Some didn't. One of those was Todd Gitlin.

At one point during the strike, a few of us decided to break from the picket line and challenge those professors who chose to hold class. After hitting up a few professors who tried to ignore us or spoke of their academic freedom, we stumbled onto Gitlin's class. At the time he taught a large sociology class. Honestly, many of us were intimidated. As first and second year students how would we approach this authority on the Sixties? But we stormed in anyway.

To our surprise in an auditorium designed to hold 500 people, there were maybe 30 or 40 students. We challenged him and threw his credentials in his face. How could he, a supposed supporter of so many progressive causes 25 years ago, refuse to support these important demands. He responsed that he and the other professors weren't consulted and therefore he couldn't support our strike. Here were a few freshman and sophomores challenging, in our eyes, the authority on the 60s, and all he could come up with is that he wasn't consulted?

I've read parts of his book and found it simplistic, self-serving and anti-Communist. But after witnessing his politics in action, his remarks in no way surprise me.

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Eros and Civilization

Gershon Legman Confronts the Post Office

By Susan Davis

A Word from the Editors: We've decided to run this double issue because we want every CounterPuncher to read Susan Davis's wonderful piece of original historical research into state repression, as expressed in one hearing, in the US Post Office Department in Washington DC on June 6, 1950,. In this case the man the Feds were trying to nail, if possible to throw into prison, was Gershon Legman, legendary bohemian scholar, who didn't wait long after the hearing to flee to France.

Legman's ordeals as a crusader for free expression in erotic matters remind us that political and sexual repression tend to dance in the same tango. And these same ordeals will instruct us just how bad things were here in America half a century ago. We've come a long, long way and Susan's vivid narrative makes the point unforgettably.

So let's hear it for the hardy pioneers from the 1870s to the 1960s, hounded by the Postal Department, stigmatized as pornographers, courting and then enduring prison sentences. Publishing torrid nineteenth-century French smut or Joyce's Ulysses were different stages in the same route march towards liberty.

These days the internet cops are on the rampage, using every weapon of entrapment. People pull hard prison time just for downloading images. Hitting the save button on his computer can cost a man ten years for storing porn. The blue noses are getting more brazen. Read Susan's story for the historical backdrop.

AC/JSC

June 6, 1950, is a hot day in Washington DC. Gershon Legman, folklorist, sex researcher, bibliographer, social critic, struggles in a wheelchair to a hearing room in the United States Post Office building. Earlier in the week Legman has broken his foot rescuing one of his wife's cats from the roof of their house in the Bronx, and the trip on the train from New York has been an ordeal. He has requested a hearing before J.C. Haynes, Senior Trial Examiner, Office of the Solicitor, United States Post Office Department, to contest a finding that he has been sending an obscene book through the mail.

Here we see Gershon Legman at the beginning of the middle of his varied and flamboyant career. He is 32, and according to his FBI file, he's five foot eight inches tall, heavy, with blue eyes and dark brown hair. He's not wearing a suit, for he's famously poor. Any chance of financial stability is subverted by his love of collecting, studying, and writing books.

This isn't, yet, Gershon Legman the acknowledged world expert on pornography and erotic folklore, self-taught in at least four languages. But he's getting started. He's not famous yet as a song, story and word collector, student of graffiti, and master of the arcana of the obscene. He hasn't pulled together his enormous collection of bawdy ballads and songs, remnants of a singing world so long ignored in respectable folklore studies. In the future he will produce intricate intellectual detective stories, uncovering the identities of the authors of some of the 19th-century's most notorious dirty books. Over the next 25 years he will publish two volumes, deliriously annotated and cross-referenced, analyzing according to a Freudian schema his collection of thousands of dirty jokes. He will fire salvos at American scholars for their timidity about all things erotic. He will become legendary for his impatience with censorship and his irascibility with editors. Later in life, he will pass into oral tradition as an icon of anti-respectability, an uncontrollable scholarly volcano of sexual folklore.

But right now, all the books and articles, if not the personality, are works in progress. To date, he has attracted literary notice by editing for Jay Landesman, the hipster impresario, an irreverent small magazine, Neurotica, that delights some of the early Beats. He's had contributions from Marshall McLuhan, John Clellon Holmes, Leonard Bernstein, Judith Malina, William Steig, and other young writers and artists. He's writing an encyclopedia of sex acts. He's fired off a devastating critique of Alfred Kinsey's report on male sexuality on the grounds that its research overly relied on the confessions of white Indiana university students. He's helped smuggle Henry Miller's Tropic of Cancer into the country for an unauthorized edition. Legman is a minor but not insignificant denizen of the fringes of New York's literary bohemia. His reputation spreads by word-of-mouth.

To keep body and soul together, Legman has conducted sex research for doctors, book-scouted for collectors of rare erotica, and written pornography to order for the wealthy. He's ghost-written for the famous, and churned out detective novels under pseudonyms. He's been a printer, a carpenter, even a house painter. Legman is Jewish, and although he grew up with immigrant parents in Scranton, Pennsylvania, his extended family remained in Europe. Most were killed in the war. In his spare moments and for his own future purposes, he's been compiling an extensive diary of his sexual and social life as young man in literary New York on thousands of inconvenient 3 by 5 note cards. Decades later he will use the note cards to write "Peregrine Penis: An Autobiography Of Innocence." In 2002 it remains mostly unpublished.

Today Legman is at a breaking point in his life; it's a day after which, even if he doesn't realize it now, nothing will be the same. The book he is here to defend from the Post Office is, at least in his own opinion, the most important one he will write. Looking back on Love & Death: A Study in Censorship, he will insist that it was his favorite work, in fact it was him. "Le text, c'est moi!" he will write with a flourish as he sends a copy to Ewing Baskette, a collector of banned books. After today's proceedings, Legman will

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decide whether he can live in the United States, or if he must leave for good.

Also filing into the room along with Examiner Haynes are Mr. J. Melaugh, Jr., the lawyer for the Post Office, the hearing recorders, and Inspector Chester A. Battles of the New York district. A loyal postal employee for 28 years, Battles has been keeping a close eye on Legman, probably for more than a third of his own career. Battles has followed Legman's activities since early 1940 when the Post Office and police raided Jacob Brussel, one of Legman's many publisher employers. Brussel was arrested, his printer's plates, stock of books, pornography and pamphlets, and mailing lists seized and ordered destroyed. The New York police keep a special furnace for the purpose. Legman barely escaped arrest himself. Does Battles know that one of Jake's most objectionable publications, Oragenitalism, a treatise on cunnilingus, was written by Gershon under a French-sounding pseudonym? Thanks to the police raid, the first edition is now a very rare book, worth about $7,000. In any case, Battles has shown up in the role of the government's main witness against Legman. They detest each other.

This is an ex-parte, or one-sided administrative hearing, meaning that no formal legal charges have been filed, and few legal guidelines apply. No formal counter-allegation or defense can be made. As the literary historian Jay Gertzman tells me, "Post Office cases could be argued by one party only, the Post Office, and hearings were held in-house." Because the Post Office has decided "Love & Death" is obscene, it has become "unmailable". The New York Post Office has either stopped accepting Love & Death in the mail, or it has blocked deliveries to Legman's address, or both. Legman has seen Battles to ask about the mail block, and has been told that he is entitled to a hearing in Washington. But, under the 20th century regime of postal power, the same men who have decided Love & Death is obscene will hear Legman argue for its merit. They alone will make the final decision.

Even if Legman could afford one, a lawyer could only rail against the power of the Post Office to decree obscenity in an extra-legal proceeding. The letter summoning Legman to Washington accuses him of retailing "indecent, vulgar and obscene materials" in the mails under the Fraud, Fictitious Business and Lotteries statute. This statute was the main tool the Post Office had against what it deemed obscenity. But there was a malevolent Star Chamber aspect to the hearing: Legman or any other petitioner might be subject to a kind of softening-up session, in which examiners would try to see if they could discover anything more about his activities, to catch him in another crime.

Most Americans don't think much about the Post Office in connection with censorship. But from the 1870s until nearly 1970, postmasters shaped the practical and imaginative universe of Americans. Some still remember the Post Office rubber stamp "Report Obscene Mail to Your Postmaster" on our letters. In 1873, at the urging of self-appointed cultural-purifier Anthony Comstock, Congress granted the Post Office Department near-absolute power to regulate material sent through the mails. The Comstock Act authorized the Postmaster General to ban any book, picture or letter, or any other material he found to be "obscene, lewd, lascivious or filthy" but notoriously failed to define obscenity, thus leaving applications of the charge of obscenity to the postmaster. For many years this made the Post Office Department, along with The Customs Department and Hollywood's Hays office (run by a former Postmaster General), a powerful arbiter of what Americans could see, read and even buy. But, into the 1960s, as Eisenhower's Postmaster General Arthur Summerfield boasted, the Post Office was "an apparatus that reache[d] into every home and business in America…" Postmasters also wielded the power to root out political materials they deemed seditious or radical.

From the 1870s until nearly 1970, postmasters shaped the practical and imaginative universe of Americans. Justice Learned Hand found in 1939 that pandering to sexual desire constituted a kind of fraud.

"Unmailable" was a capacious category. It could encompass information about reproduction, contraceptives and birth control; it ranged from marriage manuals to nude picture postcards, from cheap comics to stroke books. The definition of "obscene, lewd, lascivious or filthy" was expansive and variable because it was locally enforced. Comstockery reigned a long century.

Book dealers and publishers of all kinds, including pornographers, were dependent on the mails for advertising and distribution of their materials. From the 1930s, the Post Office had been going after the mail order business of big-time pornographers, notably Samuel Roth, Jake Brussel and Benjamin Rebhuhn, all of whom went to prison for publishing obscenity and all of whom were later hailed as courageous pioneers in the publication of experimental literature. Roth was responsible for publishing the first excerpts of Ulysses in the in the US. Using police raids, pre-trial gossip in the press and scandal sheets, highly-publicized federal prosecutions, and long prison sentences, postmasters and attorneys general sought to put the fear of God into the smut mongers.

The general effect was less to stamp out smut than to keep pressure on the whole publishing industry, lest some inattentive editor at a respectable house let salacious trash like Edmund Wilson's Memoirs of Hecate County ("the best damn book I ever wrote") slip through the cracks. Small book dealers and entrepreneur publishers were also intimidated. As he often complained, censorship's major result was an atmosphere of stifling timidity around sexual expression in American letters.

Legman's mail block fell under the mail fraud statutes. Perhaps counterintuitively from today's perspective, Justice Learned Hand found in 1939 that pandering to sexual desire constituted a kind of fraud. Although his argument was complex and found some valid place for erotica, it boiled down to this: Because American Puritanism viewed sexual acts as disgusting and feared their literary and photographic representation, arousal of sexual impulses amounted to an assault on the vulnerable. Mail-order advertisements for sexual literature were illegitimate for the same reason: one didn't know who might stumble across them or who might be aroused. To use the postal system to

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circulate erotic material was thus dangerous and deceptive.

For example, flyers advertising anthropological treatises on sexual custom, or sociological studies of marriage practices, were highly suspect. The ads themselves might arouse or, delude and thus defraud the general reader. They might fall into the hands of children. Then there were the books themselves. Indeed, a great deal of phony anthropology was retailed. Exceptions were made if these treatises were advertised only to medical men or scholars, who would presumably know how to evaluate this or that custom in its proper ritual context, and not be aroused by its description. But this was window dressing for the basic intent to suppress all kinds of writings having to do with sex, as well as to ban frank erotica. One result was that marriage advice, sexual anthropology and erotica publishers tried to find someone who was willing to hang "Dr." in front of his name to serve as an out-of-town distributor. Another result was that many kinds of scholars and even medical libraries had difficulty collecting the books they needed.

Obscenity could also be attacked under a fictitious name and business charge, another kind of fraud allegation leveled at Legman. Some mail-order book dealers were forced to use false names and addresses. Indeed, Legman knew this from his own research: the bibliographic tangles of late Renaissance pornography were created by just such necessity, and he had made sorting out mysteries of authorship and provenance an area of expertise. As he later wrote in The Horn Book, whether in the world of pulp or high-class erotica, no one was who they seemed. Authors rarely published from a traceable place, and the names of presses and dates of publication were completely unreliable.

Publishers and dealers used changing addresses, as well as moving drop boxes, hiding places and the elegant false fronts memorably sketched by Dashiell Hammett in The Big Sleep. Whenever postal inspectors closed in and threatened to shut down a business, the businessman simply moved and set up shop under a different name. The most successful pornographers were moving targets.

Finally, fraud could be committed when a mail order house offered erotica that turned out not to be very erotic. A packet of "spicy French photos" might be homemade snapshots of the dealer's sister posing demurely in her winter nightie.

Rather than resort to the law courts, the Post Office most often used its administrative sanction. After 1930 postmasters were increasingly likely to be castigated by judges for overreaching their powers. They could lose in court, but not often in their own administrative backyards, unless their victim, like Samuel Roth, was spoiling for a long and expensive challenge.

So here are the charges piled up against Gershon Legman: he is running a fraudulent business under a fictitious name, and under this cover he is using the United States mail to distribute an obscene book. Once the hearing is under way, it is discovered that there is nothing to the first two charges. "G. Legman," stigmatized as false, is Gershon Legman's favored pen name (he has long since stopped using his legal name, George Alexander Legman. Gershon is his Jewish family name). Under examination, he swears he is running a real press called "Breaking Point" from his home address — 858 Hornaday Place in the Bronx — a real house that he rents and an address that still exists today. The press is a legal business registered to G. Legman-Keith, a combination of Gershon's and his wife Beverley's last names.

In 1950, anti-smut and anti-Communism infused each other. As anti-Communism began to run out of steam, its cheerleaders turned their searchlights on moral and sexual perversion, focusing on mass culture and its corrupting effect on the American family.

He has been advertising very real books, magazines and pamphlets of criticism for sale. He hopes and intends to keep doing so. He is proud of, and the Post Office is interested in the little magazine Neurotica, which he edits with Landesman. Neurotica and Landesman are under a simulataneous Post Office investigation in Connecticut because of an issue edited by Legman containing a column called "Degenerates' Corner". But the central issue on June 6, 1950, is the self-published Love & Death, a book that has been rejected by more than 50 publishers, mostly because Legman has refused to expurgate a single word. A postal spy using the name of "George Barnett" got hold of a red card, perhaps through the mail, perhaps tucked into the magazine. It is an advertisement for Legman's new book and it reads:

"Published Sept. 12 [1949] Love & Death by G. Legman, A Study in Censorship: Murder-Mysteries. Comic Books. Bitch-heroines. Attacks on Women. 95 pp. paper bound. Retail price $1, Breaking Point, 858 Hornaday Pl. New York 60 ."

Around the card's border trails a tantalizing quote from Montaigne's "Notes on Virgil": "We Bravely Say Kill. Rob. Betray. But That Other We Dare Pronounce Only Between Clenched Teeth?"

It perfectly expresses Legman's theory of censorship in America.

When Barnett returned the card asking for more information, he was sending "a test letter". On receiving an order form, he mailed it with a money order for one dollar. Legman shipped a copy of Love & Death and Barnett proceeded to go over its contents. In the year running up to the hearing, Legman received test correspondence from many parts of the country. While working for Brussel he'd learned to recognize entrapment, even the familiar fake names. On one postcard, he scrawled "smells like a Post Office rat to me, but fill anyway". Isn't it peculiar, Legman points out, that false names can be used to discover whether someone is using a false name.

Mr. Melaugh, lawyer for the Post Office, testifies that for all his odd social views, Legman appears to be an orderly and efficient businessman. Those who wrote for information about Love & Death received it promptly; when they sent in their money orders they got their books.

Legman affirms that he answered the

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entrapment letters and cashed the money orders: "I did mail the books. I was glad to mail them their books. I wish to get the greatest publicity to my work!" He isn't hiding anything.

The tone then shifts to cloudy menace. There is no fictitious business, and no duplicitous business dealing but has there been fraud? Legman says he's not really clear what he has been charged with, and what possible outcomes there might be. Examiner Haynes takes the hearing off record at this point and explains to Legman that so far nothing prosecutable has been detected. "We have no jurisdiction, we have no interest… in this case… in presenting those facts to the United States attorney.

But, on the other hand, Haynes continues, the hearing on obscenity will proceed. Several people in the room deem Love & Death obscene. Although Haynes won't say so, what is being explored here is the question how far the Post Office can intimidate Gershon Legman into dismantling his own business.

We slip through the looking glass. If Legman's book is found obscene, he might lose his second-class mailing privileges, might afterall be referred to the US attorney for prosecution.If he should be convicted of obscenity, he might even be jailed. Even if he is not prosecuted, the Post Office can and probably will continue to harass him. The Post Office can continue to prevent him from sending out his book, or block his incoming mail, all on its own authority.

Legman objects that "these [fraud] orders are in the nature... of an harassment of a publisher." When it's his turn to cross-examine Battles, Legman goes on the offensive. "I would like to know who complained about me," he demands. Battles refuses to answer.

"Does the Examiner know," Legman asks, "that I myself mailed copies of Love & Death to several postal officials?" In fact, "I mailed them to whatever person I knew to be in any sort of charge in the Post Office Department."

Can it be that the author himself is the source of the complaint?

Battles, with Melaugh objecting, argues first that he had never received a copy, and then, doubling back, that he has no idea who has been sending copies of Love & Death to him. "They simply arrive."

Legman demands to know whether or not Battles has read his book. Battles, irritated, asserts he's never opened the covers of Love & Death, and implies he never wants to. Legman insists that he's been careful to send (yet another) free copy to one of Battles's agents. And hadn't they discussed the book when Legman visited him at his office about the complaint earlier that February? And isn't a copy with passages underlined lying right there on Haynes's desk?

Legman pushes harder: "And isn't it true that Inspector Battles has himself been collecting reviews and newspaper notices of the book?" Hasn't he seen the positive reviews in The New Republic and Harpers? Melaugh objects that Legman is "running riot". Battles says nothing.

Legman lunges again. Does Battles have any idea what the book is about? Melaugh objects that "it isn't Inspector Battles's job to know the content of the books." Legman retorts that " if the hearing's purpose is to determine whether I am sending obscene material through the mail, certainly somebody has or ought to have looked at the contents of the book." Hasn't the Inspector underlined parts of it? Chester Battles allows that he's "brought certain parts of the book to the attention" of his superiors.

Legman charges on boisterously: "The reason I asked is because the complaint, as I received a copy of it, states that 'this book is obscene and of an indecent character' and 'contains vulgar, obscene, indecent and morally offensive words and phrases.' Now there's no recommendation there for [what] those words and phrases are. It is difficult for me to prepare to defend words, phrases and so on if I don't know what they are. ...If I am to oppose, and I believe I have the right to oppose this fictitious order, [and] I am told there's something, but I don't know what it is, in a manufactured book containing may be a quarter million words'". So, how can he defend his book?

Examiner Haynes dismisses the problem of words and phrases as irrelevant: recent legal decisions mean that words and phrases by themselves can no longer be used to brand a book obscene. In any case, "I am capable of reading the book myself, and I will." He's arguing it's just a matter of judgment — his Post Office judgment. He also tells Legman that he's not interested in his blustery assertion that Morris Ernst and the ACLU are "taking an interest" in this case. (In fact, they are.) But Haynes and Melaugh are taken aback by Legman's unorthodox behavior. Clearly, he knows he's being spied on, and instead of hiding like a suspected criminal, he's been sending complimentary copies of his work to men he knows are trying to catch him in a crime.

By sending his book to Battles and his superiors, Legman may have been trying to get an opinion, an idea of whether his work was going to draw down Postal wrath. Many publishers held meetings with postmasters in cases they thought were "iffy", and this led to what was essentially prepublication self-censorship. It was like asking, "If I do this, will you punish me? What if I do that…?" Legman execrated censorship and self-censorship, so another explanation seems more likely. His book was an argument about sexual censorship. He was trying to bring a test case against the Post Office, to show how irrational it was. Jay Landesman later wrote that Legman had added the words "prick and balls" to one chapter just to catch the Post Office's attention. But perhaps Legman misjudged his antagonist and its resources.

Legman argued that the suppression of images of sexuality resulted in a sadistic and violent mass culture that could harm children, even lead to fascism as it asked them to identify with vigilantism, "the institutionalized lynch".

The hearing goes deeper and focuses on the question of obscenity. No one reads from the book, and when Legman tries to explain his thesis, he's cut off. The hearing gets personal. Perhaps Legman has a tendency to publish obscene works? Melaugh inquires into his previous writing and publishing activities, but evidently he has not done very much research about these, since the ques-

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tioning stays close to only one article, the book and Neurotica. Legman keeps mum about his first book on oral sex, and many of his other writings.

Examiner Haynes questions Battles: "Do you know whether he ever published any article entitled "Sex Variants"?

"I guess he said he had," Battles replies.

Legman interrupts to point out that Sex Variants is actually the title of a book by Dr. George W. Henry, published in 1941, and that it contains an article by him, but that is not the article's title. It is a glossary — the first — of American homosexuality and homosexual slang, and "that was the part which I contributed and designed. I have contributed many other lists of books [bibliographies] and some poetry ... as an expert on certain subjects related to sex and censorship."

Now it's Legman's turn to cross-examine himself, which he admits is a little silly. All he can do is explain his work and he begins by offering his credentials as a scholar, one who finished high school in Scranton and educated himself in the New York Public Library. He has worked for Alfred C. Kinsey, of Indiana University. He has researched for Dr. Robert L. Dickinson, head of the American College Of Gynecology and the Committee on Maternal Health. He asserts the intellectual seriousness and social importance of his writings.

About Love & Death, "The writing of this book is the result of nearly 10 years or more of thought and discussion and pre-publication on the subject [mostly in Neurotica]. Almost everything I've done in the past is in some way related to it, and this comes as a final flowering of my purpose." All of his work was related to the same theme: sexual censorship. He is preparing "a history of sex censorship in the English language, not political and not religious censorship which have been covered by very great scholars," but sex censorship, a "subject which has been difficult until the present time for people to discuss without excessive emotion". "As it happens, the Dictes [The Sayings] by Caxton, the first dated book printed in England [1477], is also the first expurgated book printed in England...." So censorship was there from the beginning.

It's Melaugh's turn to jump in.

Perhaps Legman's work is obscene because of his own character. Isn't it true, Melaugh asks, that Legman was arrested in New York in 1944 for draft evasion? Legman denies this: he was picked up in some sort of a sweep, and arrested and held for not carrying his draft card. Isn't it true, Melaugh grinds on, that he consorts with known homosexuals? This is in fact true: Legman has been researching the gay culture of New York since the middle 1930s. He has gay consultants and gay friends, but in 1950 it is too dangerous to answer so frankly. With the introduction into evidence of his interest in the homosexuality, the investigators now have a weapon to threaten Legman with - his own morality and political loyalty.

This is a dicey time for such questions. In February, 1950, Joseph McCarthy began an investigation of subversion in the State Department, and one witness testified that it was a nest of homosexuals, thus potentially disloyal. At almost the moment Legman is testifying, the Senate is holding a formal inquiry into the employment of "homosexuals and other moral perverts" in government. People are losing their jobs.

By 1953, Estes Kefauver was investigating the relationship between smut and crime, with a special emphasis on youth and pornography.The subcommittee's work would last well into the 1960s.

Legman explains that homosexuals seek him out for information and for sympathy and for psychological advice, comforts in short supply for gay men in 1950. Does Legman present himself as a psychologist or psychiatrist, Melaugh demands? Legman answers that he knows psychiatrists, and indeed, during this period his interest in psychoanalytic thought has been growing. He has thought that perhaps he could offer some useful expertise into homosexuality during this recent scare, and so he has pulled together his notes and written an article "On the Cause of Homosexuality." It appears to be more Dad's fault than Mom's..... Melaugh and Haynes are uninterested.

What about his arrest for waving a loaded pistol in a restaurant? Melaugh asks. Legman replies that he wasn't waving a pistol, the pistol wasn't loaded, and he wasn't threatening anyone but trying to prevent an anguished suicide attempt. Does Legman know, the postal inspector certainly knows, that he has a NYC police department "B" or registration number? Yes. Does Legman know that he has an FBI number? An FBI number is a centralized way of keeping track of people who've been arrested around the country, the way state and federal authorities can access a "rap sheet". Legman shrugs this off — but it's a threat.

What Legman doesn't know but may suspect is that the FBI has started a dossier on him. In fact, the file was initiated at the request of a postal inspector, probably Chester A. Battles, though his name has been blacked out in the redacted FOIA file. The FBI replied that they had none of their own, but they opened the file on Legman anyway, just to be on the safe side.

After a long morning and afternoon Haynes closes the hearing, saying in effect, "We'll be in touch". Legman can file a brief, a written defense of Love & Death in two weeks time if he wishes. He can have a transcript of the hearing if he needs it. These are new rights for the complainant (or is he the defendant?) forced on the postal examiner's office by the courts after objections about arbitrariness.

Throughout the hearing, Legman seems alternately defiant and frightened. Certainly, it is a terrifying affair. He has not been charged with a crime, and he can't confront his accuser, but the burden of proving innocence is on his shoulders. Although Legman maintains a belligerent stance, he's plainly concerned that federal charges may follow. From what I've been able to find in Justice Department records, no charges were sent up. Maybe Legman was small potatoes compared to Roth. Maybe the point was just harassment. Maybe they had him where they wanted him anyway.

A few months after the hearing the fraud and unmailability decision was upheld and the Post Office stopped delivering mail to 858 Hornaday Place. Legman could not receive answers to advertisements for Love & Death and he could not

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mail the book out, although he could sell it if he could get it into stores. He urged the ACLU to keep following the case.

Years later Legman wrote to Landesman, that from that day in June,1950, "our bags were packed". Legman couldn't know how much worse things would get, but the McCarthy Red scares were well under way and he correctly surmised that his life and work would get harder. The 1940 Brussel raid, the ups and downs of publishing and bookselling friends, the ongoing investigation of Samuel Roth, the civil service purges of "sex deviants," all added up to a very nasty intimation of the future.

Legman was born in 1917, so anti-radicalism had been raging for his whole life and career. Each new anti-subversive crusade added to the smog that hung thick over the New York publishing world. Just as Legman did not know about his own slim FBI file, he was similarly ignorant of the extent of the dossiers the agency was gathering on other writers, editors, artists, folklorists and cultural workers, as well as political activists. Though he had no direct left connections, as part of the intellectual world of New York he could feel anti-subversion filtering into the general culture, sense how it was affecting the lives and work of people who never thought of themselves as radicals in a political sense. And among the politically active, teachers were losing their jobs, librarians were being fired, professors asked to take loyalty oaths, unions purged. A dead weight, anti-subversion was like censorship, it limited peoples' personal and cultural options, closing off possibilities by narrowing the range of what could be thought, said and done. Legman was an expert on the limits of what could be said and done, and he knew the limits were pressing in on him.

In 1950, anti-smut and anti-Communism infused each other. As anti-Communism began to run out of steam, its cheerleaders turned their searchlights on moral and sexual perversion, focusing on mass culture and its corrupting effect on the American family. Legman was aware of this too: he had watched congressional investigations of juvenile delinquency unfold since the Clark conference in 1946; in 1950, the Kefauver committee was probing the extent of juvenile crime in America. Ironically, the prevailing view that came out of expert testimonies since the mid-1940s was a nearly backward version of the point Legman was trying to make in Love & Death.

Legman argued that the suppression of images of sexuality resulted in a sadistic and violent mass culture that could harm children, even lead to fascism as it asked them to identify with vigilantism, "the institutionalized lynch". The smut vigilantes, fascists to Legman, argued that any depiction of sex, and especially "perverted" (non-marital, non procreative) sex, led to violent crime committed by children and a loss of social order.

But, Legman argued, why were bitch heroines, Superman and grisly murder comics acceptable substitutes for love? What if Americans dropped censorship altogether?

Fear of smut reigned. Several states enacted new and stricter anti-porn laws and demanded that police and postmasters enforce them, despite the Supreme Court's moves towards a more restrained and precise definition of obscenity. By 1953, Estes Kefauver was investigating the relationship between smut and crime, with a special emphasis on youth and pornography. The subcommittee's work would last well into the 1960s. We are supposed to remember the 1960s as the decade when the clouds lifted, but in this very decade Arthur Summerfield's Post Office would achieve the apotheosis of Comstockery, as it fought the courts to extend its control over words and images.

So, their bags were packed. Gershon Legman probably thought of the decision to move to France both positively and negatively. The United States was becoming an impossible place for him to work. He didn't necessarily link this to political repression, so closely was he focused on sex, its bibliography, and its folklore. But if Love & Death was "him", his very self, and if the government allowed no chance for people to read his most heartfelt writings, that was political repression.

He must also have thought of this positively. There was honor in being an expatriate. There were after all, hundreds of other interesting Americans living abroad, there were French and Dutch (and maybe even some German) intellectuals with freer attitudes. There were the great libraries, some made newly available by the War. Somehow, all the books, files, manuscripts and tens of thousands of note cards were either stored or shipped, and Gershon and Beverley sailed in 1953. For a while they kicked around different coastal towns in the south of France. As New Yorkers, they were thrilled with the climate, entranced by the bougainvillea.

Then, as so often with Legman, the impossible happened. A distant relative - improbably, a Hungarian count - had actually made some money on racehorses, and even more unlikely, the count had willed it to Gershon. Or so one version of the story goes. In fact on a small legacy from her wealthy Canadian family he and Beverley were able, just barely, to buy a bit of land with an old, old building on it in the village of Valbonne in Alpes Maritimes, not far from Cannes. In truth, the building had been a fort of the Knights Templar. And weren't the Knights Templar known for their odd initiations, sexual rituals? And weren't they brutally suppressed by the Catholic Church? Wouldn't that be a wonderful history to investigate? Wouldn't an olive grove be a lovely place to read and write all those volumes on dirty jokes and bowdlerized ballads? Do you suppose they ever thought of Chester Battles, stuck in the Bronx?

Regular CounterPunchcontributor Susan Davis teaches at the University of Illinois, Urbana Champaign. She can be reached at sgdavis@uiuc.edu

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The Class Struggle in Boston

All That Effort, But What Did They Win?

By JoAnn Wypijewski

The glass is half full. Chaos works. In the middle of a recession, in post-9.11 America, amid drumbeats for war and national unity, some of the lowest-wage, most replaceable and legally vulnerable workers in Boston engaged in a 26-day strike, shedding invisibility, gathering support as never before, snarling traffic with almost nightly marches, threatening to shut down the city, thereby forcing employers back to the bargaining table.

The glass is half empty. Chaos, or fear of it, carries only so far, and cannot substitute for worker power on the job and in the union. Of the 10,700 janitors in SEIU Local 254, the vast majority of them Latin American immigrants, about half of them undocumented, no more than 3,000 were called off the job. By the eve of what Jobs With Justice called a Day of Conscience and the Boston Herald helpfully translated as a Day of Chaos, only about 1,000 were still out. Over the course of the strike, cleaning services in Boston's corporate suites were never seriously disrupted, and the agreement finally settled upon by SEIU negotiators spoke more of the union's weakness than its strength.

What counts as victory in grim times? Local 254's negotiators announced theirs on October 24—as it happens, the same day that, sixty-two years earlier, the forty-hour workweek went into effect in America. It's a sign of the economy's sea change that "the people who brought you the weekend", a k a organized labor, might now wager everything on campaigns aimed at shifting at least some part-time work to full time, at least some benefits to part-time workers who have none.

And a sign, too, that late in the strike, despite pressure on behalf of the union from most of Boston's media, political establishment, student, community and religious organizations and even some business executives, the representative of the cleaning contractors' group remarked in wonder that the union "seems to be stuck on this idea of health care and full-time jobs".

That had been the theme of the strike, and the workers won the public relations battle. Only 1,900 of Local 254's janitors have full-time jobs. About 5,000 average only four hours a day and make only $39 by the end of it. Pointing out the tough conditions for these workers — how without health insurance, a doctor's visit costs them two days' pay, an antibiotic prescription one day's pay, and rent the combined pay of extended family members working multiple jobs and crammed into one tight space — the union prompted the City Council and the State Legislature to pass resolutions endorsing full-time jobs with benefits. Governor Jane Swift canceled the Statehouse's $1.9 million maintenance contract with one of the largest and most intransigent cleaning companies, Unicco. UPS workers, whose popular strike a few years ago also emphasized the part-timerization of America, honored the janitors' picket lines. So did the Boston building trades, a group not noted for solidarity with non-white and immigrant workers. Black churches, usually cool to union disputes given the history of racism in the building trades, extended their hands here. When janitors marched a thousand strong at night, when they boldly streamed into the Prudential Center mall one afternoon shouting "Vamos, vamos" to more hesitant union staff and supporters, when they interrupted Unicco's scab hiring downtown, they were applauded by onlookers, some of whom pulled out a $10 or $20 bill for the strike fund.

"I've never experienced anything close to this", said Russ Davis, who was a machinist for twenty years at GE in Lynn and is director of Jobs With Justice, which coordinated what became a citywide movement on behalf of the workers. "This was qualitatively different. Not just the public response and the direct action but the amazing leadership that emerged among the workers, who had decades of evil union practices to overcome and who risked a lot."

It shouldn't take so much to win so little. Before the strike, the final offer of the employers' group included a top hourly wage of $12.50, health benefits for 600 part-timers, no sick days, no increased opportunity for full-time work and a three-tier division of pay according to the distance of a worksite from the downtown core. Boston's commercial building owners who, with their tenants, will ultimately absorb the costs of the labor settlement, had urged the cleaning contractors to hang tough. Who needs public opinion when you have the money power? In the end, they didn't have to concede much.

The settlement includes a top wage of $13.10, health benefits to 1,000 part-timers, two sick days and no change in the longstanding two-tier division of workers, already bad enough, distinguishing city from suburban buildings (where the top wage, for instance, will not exceed $10.09). Over the life of the contract, it represents a 20 to 30 percent pay increase. The union never got a commitment on more full-time work; it is betting that the precedent of extended health benefits will in future reduce employers' incentive to hire two workers for less than the price of one.

At a celebratory rally AFL-CIO president John Sweeney declared this settlement "a huge victory for all working families" and said the provisional contract, which had yet to be ratified, "sets an example for unions large and small across the country". "Huge victory" is one of those reflexive terms among big-foot unionists. Workers, whose own vocabulary hasn't been so degraded, tend to make more sober assessments.

After initial euphoria, the janitors who had been most involved in the strike reacted on a scale from rage to recognition of reality's hard limits once they learned more details of the settlement: a wage freeze until January 2003; a five-year contract, meaning the $13 wage, which won't apply to most workers and right now leaves a family of four below the poverty line, will not be reached until 2007; and fine print on the new health benefits, which won't cover families or hospitalization and won't go into effect for three years.

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Nary Ramirez, a cafeteria cleaner and strike captain at Fleet Bank, described the walk-out as "excellent", "historic"; as for the settlement, "It's a beginning; now the people who organized have to keep organizing just like we did these four weeks." The strikers couldn't have held out much longer, and Ramirez, who'd been a union militant in Guatemala before coming to Boston three years ago, takes the long view. Others pouted or cried "Sell-out".

Elena Latona, executive director of Centro Presente, an immigrant rights group that was active in the Jobs With Justice strike support, said that after the rally she told a worker disappointed by the terms of the agreement, "You have won something that has no price. That is the respect of the entire city of Boston." Five years ago, Latona points out, "We were alone. No one cared about these workers, not even their union. Now the question for me is are we going to be able to capitalize on the support from this for the struggles ahead in the immigrant community?" Within days email lines were buzzing with other questions, in post mortems, reflections, sour attacks, as student volunteers, JWJ organizers, labor curmudgeons and some SEIU staff debated victory or "victory?", strike or "strike?", "advance" for immigrant workers or street theater with workers played like puppets by SEIU's big purple machine.

The fact is, even the greatest union victory is a victory only within the terms of the wage slave system. In the nature of things, workers should be disappointed with the outcome. After all, the only choice an employer ever has to worry about is whether to concede a bit or crush the union; being crushed is never an option. For all their importance, contracts and unions themselves are imperfect vehicles in the drive for for worker power.

Some are more imperfect than others, and until a little over a year and a half ago, when it was put under trusteeship, Local 254 was as bad as they come. For fifty-five years the union had been owned by the Sullivan family, Papa Ed passing it down to Eddie Jr., who also inherited the father's knack for self-enrichment at the members' expense. Contracts tended to be sweetheart deals, sometimes outright disasters, as at Tufts University, where workers were stripped of their benefits (chiefly a Tufts education for their kids) and then of their jobs. It wasn't unusual for the Sullivans to bus in homeless people or temp workers to vote on contracts, to arrange for paid time off for workers who would vote the right way. Where workers voted the wrong way, there was always "the guy with the pistol in the belt", according to Paul McCaffery, who was a member of the local for fourteen years and belonged to a short-lived dissident group, Trabajadores Unidos. Whether the pistol part is union legend or fact, David Soper, a custodian at Boston University who a few years ago challenged Sullivan for the presidency in the only contested election anyone can remember, says the old guard effectively disabled the membership with the message that change was hopeless. The dissidents abandoned the union or burned out. "People get tired", Soper says, "that's just a fact."

Sweeney should have apologized to the workers of Local 254 at that victory rally. As president of SEIU, he had looked the other way during Sullivan's reign, just as he had while Gus Bevona and his thugs at Local 32B-J in New York stole from the members and lived it up in their worker-proofed penthouse lair. It was the Sullivans who instituted the two-tier contracts, who relieved employers of the cost of benefits for part-timers. No one cared then that industries of part-timers are harder to organize, making it harder for workers to exert control over wages; that immigrant workers, seeing nothing from unionization but a drain on the pay packet, regarded 254 and unions in general as poison; that membership turnover in the local (now about 50 percent a year) made for weakness and fragmentation.

Soper says that the Sullivan gang took care of about 15 percent of the membership, the higher-paid, mostly nonimmigrant force in places like BU, where Eddie Jr. was pals with right-wing university president John Silber. The rest, including all the workers covered by the Master Contract just negotiated, were simply profitable dues units. Latona told me, "My sense is that before the mobilization, most of the immigrant workers did not even know that they had a union." Even then, organizers working twelve-hour days for six months couldn't get to 500 of about 1,150 buildings before the strike. Most shops had no stewards, and the old guard destroyed or stole the membership lists before they were ousted.

There are good reasons to be skeptical about "the purple crusaders", as McCaffery calls the new guard whom the SEIU International parachuted in to take over the union. Trusteeships are not democracies, and this one has already run past its eighteen-month legal limit. There will probably be finagling to carve a new local out of 254 to extend the life of the trusteeship under another name. Right now the brightest star in the local is one of the trustees, Rocio Saenz, who was brought in from Los Angeles. Unlike Eddie Sullivan, who never worked a day in his life as a janitor, she started out as a maid.

But what of local leadership? Anyone who has watched SEIU even a little—or has chanced to read any of the triumphalist internal documents currently in circulation laying out blueprints for remaking American labor—knows of the union's penchant for template campaigns designed at the top, executed in the provinces, driven by staff and involving workers in protest but rarely in decision making.

The representative of the cleaning contractors' group remarked in wonder that the union "seems to be stuck on this idea of health care and full-time jobs".

So one can take the dour view: after their valiant fight the Boston janitors are victims again, now of the big purple machine. Or one can take the view of Frank Martin del Campo, an advocate for rank-and-file leadership who works for an SEIU local in San Francisco, and "trust the class". For every forty workers in one of the shops involved in the strike, according to Aaron Bartley, a 254 organizer, "there are three or four extraordinary leaders from Guatemala or El Salvador or Haiti who have a wealth of knowledge from their own countries—everything from nitty-gritty organizing to education around political consciousness."

Before the strike, these people hadn't tested their power in Boston, in the union. Now they have, and they're not likely to be silent or invisible again. CP

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Hysteria in the Inland Empire
Defending MOM and Apple Pie

BY ANTHONY GANCARSKI

Those who thought that the 2002 Holiday season would be the right time to start a local arm of the self-styled "Patriot" movement might want to reconsider, if a November 12 article in the Spokane SPOKESMAN-REVIEW is any indication of current trends.

"Militia Pamphlets Spur Review" addresses texts distributed at a local gun show by the Militia of Montana. Ronald Springel, who brought these documents to the attention of Spokane County commissioners, "attended the show with his 17-year-old son" and "found the literature offensive." According to the concerned citizen, MOM's tracts were "blatantly racist. . . Anti-government, anti-Semitic, anti-everything."

What a nihilistic group!

The newspaper account demurred from providing examples of this opposition to government and Semites and "everything". Instead, the SPOKESMAN-REVIEW staff writer opted to buttress Springel's claim merely by stating that the Militia's monthly newsletter was running a three-part series called "Israel Lie". The highlights of this series include a picture of President Bush standing next to the Israeli flag, and the subheadline "Synagogue of Satan" to introduce a section of the three-part work.

Admittedly, the phrase "Synagogue of Satan" lacks a certain temperance, though it's nothing that hasn't been used by hundreds of radio preachers over the years. I myself heard the phrase somewhere on the AM dial while driving through the Carolinas a couple of years back. A metallic-voiced orator then and there referred to the Israeli government as the "Synagogue of Satan", following that rhetorical flourish with a reference to the Christian Coalition as "corporate Christians"; as the signal flickered and died, I was amazed that I'd heard such heresy on the radio.

Perhaps it is heresy itself that makes the militia movement so threatening to the Ronald Springels of the world. A review of MOM's website shows that it is disappointingly bereft of so-called hate speech. The intro page of the "Militia of Montana's Online Information Center" was full of such uncontroversial fare as a picture of an American flag ribbon and an assortment of methods by which one can give Militia personality John Trochmann money and attention.

MOM's website also features an issue of "Taking Aim", the newsletter that vexed Ron Springel so much. What in the website version of "Taking Aim" was racist, one might ask? Springel's charge of anti-Semitism was unfounded, at least if the issue on the website is any guide; the only reference to Jews that I found was in an essay that argued that gun registration was no benefit to Jews in Germany, and that Americans might want to consider that example when forfeiting their own arms.

The charge of being "anti-government" is considerably more applicable to the text on the site, however, and deserves a fair hearing here. It is perhaps a self-evident truth that a citizen militia would be opposed to some of the more flagrant expressions of government's power over its people. MOM doesn't disappoint in this regard; its literature represents the federal government as a force of unprecedented rapacity.

Whether describing "fascist dictators masquerading as elected representatives", or referring to "treasonous bastards that ask for our vote. . . then do a job on us instead of for us", it is clear that no Republican Party big tent would be big enough to accommodate the Militia of Montana.

It is also clear that the SPOKESMAN-REVIEW account of MOM's brief courtship of Springel proceeds on the assumption that Springel was justified in attempting to get government to do the dirty work of protecting him from offensive literature. So confident was the paper in Springel's veracity that it expected its readers to accept the stated charges without providing verification within the article itself. In a town with one daily paper, after all, who will take issue with that paper's account?

CounterPuncher Gancarski lives at the hub of the Inland Empire, from which vantage point he can keep a close eye on such ultraist hotspots as Pullman, Coeur d'Aleine and Sandpoint.

CounterPunch
PO Box 228
Petrolia, CA 95558

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The Nobel Prize: Hitler's Narrow Miss

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